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**PATENT**  
Attorney Docket No. 33531/US  
Dorsey File No. 467167-00014

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

*In re* application of:

CUMMINGS et al.

Serial No.: 10/678,603

Filing Date: October 3, 2003

For: *Dielectrophoresis Device and Method  
Having Insulating Ridges for  
Manipulating Particles*

Examiner: To Be Assigned

Art Unit: To Be Assigned

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on:

Date: June 3, 2004

Signed: Careyna Peralta  
Careyna Peralta

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In satisfaction of the duty of disclosure under 37 C.F.R. § 1.56, and in accordance with the provisions of 37 C.F.R. §§ 1.97 and 1.98, Applicants wish to draw the attention of the U.S. Patent and Trademark Office to the references cited on the accompanying Form PTO/SB/8A-B, Substitute for form PTO 1449. In accordance with 1273 Off. Gaz. Pat. Off. 1, 8/5/2003, no copies of U.S. patents and U.S. published applications are enclosed. Copies of all other references are enclosed.

None of the foregoing references is believed to disclose the invention as claimed. Nothing herein shall constitute an admission concerning the contents of any of the cited

Serial No.: 10/678,603  
Filing Date: October 3, 2003

references, nor shall the inclusion of a reference herein be considered an admission that the reference constitutes prior art against the invention claimed in the above-identified application.

Submission of the present document shall not be construed as an admission that a search has been made or that better art does not exist.

As far as is known to the undersigned, this Information Disclosure Statement is being filed within three months of the filing date of a national application, within three months of the date of entry of the national state in an international application, or before the mailing date of a first Office Action on the merits as set forth in 37 C.F.R. § 1.97(b), and therefore no fee is required.

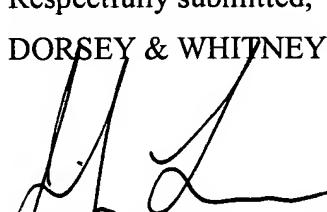
While no further fee is believed to be due, if this belief is in error, the Commissioner is authorized to charge any additional fees, including extension fees or other relief which may be required, or credit any overpayment to Deposit Account No. 50-2319 (Our Order No. 467167-00014 (33531/US)).

Please direct any calls in connection with this application to the undersigned at (415) 781-1989.

Dated: 3 June 2004  
Dorsey & Whitney LLP  
Intellectual Property Department  
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Respectfully submitted,  
DORSEY & WHITNEY LLP

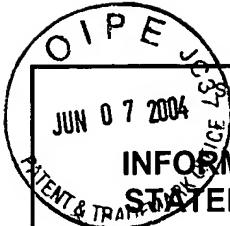
  
Jennifer M. Lane, Reg. No. 51,916 for  
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Serial No.: 10/678,603  
Filing Date: October 3, 2003

Attachments:

Form PTO/SB/8A-B, Substitute for form PTO 1449  
Four (4) references



<p>Substitute for form 1449A/PTO (Modified)</p> <p><b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b></p> <p>(use as many sheets as necessary)</p>				<b>Complete if Known</b>	
				Application Number	10/678,603
				Filing Date	October 3, 2003
				First Named Inventor	Cummings et al.
				Art Unit	To Be Assigned
Examiner Name	To Be Assigned				
Sheet	1	of	1	Attorney Docket Number	33531/US

### U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
A1	5,858,192		01-12-1999	Becker et al.	
A2	6,071,394		06-06-2000	Cheng et al.	
A3	6,264,815 B1		07-24-2001	Pethig et al.	
A4	6,310,309 B1		10-30-2001	Ager et al.	
A5	6,596,143 B1		07-22-2003	Wang et al.	
A6	2002/0175079 A1		11-28-2002	Christel et al.	
A7	2003/0010637 A1		01-16-2003	Cummings	
A8	2004/0026250 A1		02-12-2004	Cummings et al.	
A9					
A10					

### FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>2</sup> Number <sup>3</sup> Kind Code <sup>4</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>5</sup>
B1						
B2						

### NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>5</sup>
C1		FIECHTNER et al., "Faceted Design of Channels for Low-Dispersion Electrokinetic Flows in Microfluidic Systems", Analytical Chemistry, 2003, 75(18):4747-4755.	
C2		HUANG et al., "Introducing Dielectrophoresis as a New Force Field for Field-Flow Fractionation", Biophysical Journal, August 1997, 73:1118-1129.	
C3		POHL, "The Motion and Precipitation of Suspensoids in Divergent Electric Fields", Journal of Applied Physics, July 1951, 22(7):869-871.	
C4		YANG et al, "Cell Separation on Microfabricated Electrodes Using Dielectrophoretic/Gravitational Field-Flow Fractionation", Anal. Chem., 1999, 71:911-918.	
C5			
C6			
C7			

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English Language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the complete application form to the USPTO. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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